



Fact Sheet

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Maryland's Revised Nutrient Management Regulations

The Maryland Department of Agriculture's (MDA) revised nutrient management regulations became effective October 15, 2012. The new regulations modify how a farm's nutrient management plan is developed and implemented and change the way organic nutrient sources and other materials are managed. They will be implemented in stages over the next several years. To help stakeholders understand the new requirements and corresponding deadlines, MDA has compiled answers to the most frequently asked questions received by our regional nutrient management specialists.

Q. *Now that the revised regulations have taken effect, will I need to update my nutrient management plan right away, even though it doesn't expire until next year?*

A. NMPs that were current as of October 15, 2012 will be considered valid until they expire. This guideline applies as long as there are no changes to an agricultural operation that would otherwise require a revision to the farm's NMP. For example, if a NMP was developed for the 2012 calendar year for spring and fall crops, it will expire on December 31, 2012 and will require an update for the 2013 crop season. In this case, the updated NMP developed for 2013 shall be developed and implemented in accordance with the revised requirements outlined in *Maryland's Nutrient Management Manual*.

Q. *What if I have a multi-year plan?*

A. If a multi-year plan existed on October 15, 2012, it will be considered valid through the period for which it was developed. A plan adhering to the new requirements will have to be developed and utilized when it expires. This guideline applies as long as there are no changes to an operation that would require a revision to the farm's NMP.

Q. *When do the new timing requirements for fall nutrient applications go into effect?*

A. Because the 2012 fall harvest and cover crop planting season is over, farm operators will not be required to adopt new management requirements this fall season. Beginning in 2013, organic nutrient sources must be incorporated into the soil within 48 hours. The new requirements also limit fall nitrogen applications to small grain crops and call for cover crops to be planted when organic nutrient sources are applied in the fall. There are exceptions for permanent pastures, hay production fields and highly erodible fields. For more information, contact your regional nutrient management specialist.

Q. *Do I need to inject or incorporate manure into the soil during the fall/winter of 2012-2013?*

A. Winter nutrient applications must be made in accordance with a farmer's current and valid nutrient management plan. If a farmer has a valid plan developed before October 15, 2012 that accounts for manure or other organic nutrients based on surface application this winter, incorporation is not required. For all other farmers, nutrient applications made during the winter of 2012-2013 should be in accordance with new injection/incorporation requirements to the best extent possible.

Q. *What if I don't have the equipment to inject or incorporate manure this winter?*

A. In situations where the required equipment is not available, nutrient applications should occur on land with existing vegetative cover. In situations where both equipment and existing vegetative cover are not available, nutrient applications will be limited to cropland that has a minimum of 50 percent crop residue coverage prior to application. This 50 percent residue coverage must be maintained until March 1, 2013. All other conditions of winter nutrient application apply.

Q. *Are there exceptions to the requirement that manure be incorporated into the soil within 48 hours?*

A. Organic nutrients must be incorporated into the soil within 48 hours of application to achieve maximum water quality benefits, however, this requirement has been adjusted to provide exceptions for hay and pasture acres and highly erodible conditions. Also, spray irrigation of nutrients on existing crops does not require incorporation. MDA will be developing and posting guidance documents at www.mda.maryland.gov to further clarify the requirements.

Q. *When does the complete winter ban on nutrient applications take effect?*

A. Smaller farms and municipal wastewater treatment plants will be given more time to comply with the ban on winter nutrient applications. The July 1, 2016 deadline prohibiting winter nutrient applications will be extended to March 1, 2020 for farms with 50 animal units (1 animal unit equals 1,000 lbs. of live animal weight) or less and municipal wastewater treatment plants with a flow capacity of less than 0.5 million gallons per day. In addition, MDA recently received legislative authority to raise its cost-share ceiling for animal waste storage and containment structures. It is important to note that flexibility exists in the winter application ban. It does not apply to manure deposited by livestock, potash, liming materials and greenhouse use, certain vegetables, small fruit, small grain and cool season grass sod production that are managed in accordance with University of Maryland recommendations.

Q. *Is stream fencing mandatory and are other options available? What is the deadline for this requirement?*

A. Fencing is not a requirement. The regulations allow soil conservation district staff to evaluate each site to determine whether alternative BMPs such as watering facilities, livestock crossings, pasture management techniques or vegetative exclusion will work equally well in protecting water quality while offering farmers more manageable or cost-effective solutions. The deadline for implementing stream protection measures is January 1, 2014.

Q. *When do setbacks have to be in place?*

A. Beginning January 1, 2014, farmers will be required to establish a 35 ft. setback for fertilizer applications adjacent to surface waters and streams. The setback is reduced to 10 ft. when “directed” application methods are used such as directed spray or injection, which reduce the potential for nutrient losses. No crop plants may be grown on the 10 ft. setback area with the exception of pasture and hay. The remaining 25 ft. setback may have crop plants, but may not be fertilized unless a directed application method is used.

Q. *What are the new limits on fall fertilizer applications for small grains?*

A. The revised regulations limit fall nitrogen applications for small grains if soil nitrate levels test greater than 10 ppm for wheat or 15 ppm for barley. The requirement is the result of four years of University of Maryland field research replicated in three locations across Maryland. Field tests consistently demonstrated that fall fertilizer is not cost-effective in increasing yields. This requirement takes effect in 2013.

Important Dates to Remember

■ October 15, 2012

- NMPs that were current as of October 15, 2012 will be considered valid until they expire as long as there are no major changes to the operation that would require a revision. All plans developed after this date must conform to the new requirements.

■ Spring 2013

- All farmers must incorporate organic nutrients into the soil within 48 hours of application.

■ Fall 2013

- Farmers are required to plant cover crops when applying organic nutrient sources to fallow ground in the fall.
- New limits for fall nitrogen applications on small grains take effect for all farmers.

■ January 1, 2014

- A 10 to 35 ft. “no fertilizer application zone” must be in place adjacent to surface waters and streams. Pasture management practices must be installed under the guidance of soil conservation districts to protect streams from livestock impacts.

■ July 1, 2016

- Nutrient applications are prohibited between November 1 and March 1 for Eastern Shore farmers and between November 15 and March 1 for Western Shore farmers. Farmers with fewer than 50 animal units have until March 1, 2020.